

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-10 and 19-26 are pending in the present application. Claims 1-10 and 19-21 have been amended to correct several informalities found within the claims. New claims 22-26 have been added. Support for new claims 22-26 may be found generally throughout the specification and in the original claims. In particular, support for new claims 22-26 may be found in the present specification at page 6, lines 5-11 and page 2, lines 25-35.

In the outstanding Official Action, claims 1-4, 9, and 19 were rejected under 35 USC §103(a) as allegedly being unpatentable over EP 0 554 896 to LESCA et al. in view of U.S. Patent No. 5,366,799 to PINKSTON et al. This rejection is respectfully traversed.

The present invention relates to a coated textile having printed patterns comprising a textile underlayer forming a backing and a coating layer based on a polyolefin component and an EPDM-type elastomer.

LESCA et al. disclose a polypropylene non-woven material bonded to a heterophasic polymer composition comprising a polyolefin and an EPDM copolymer. In imposing the rejection, the Official Action acknowledges that LESCA et al. fail to teach

a coated textile having printed patterns as set forth in the claimed invention.

In an effort to remedy the deficiencies of LESCA et al., the Official Action cites to PINKSTON et al. PINKSTON et al. relate to a printing blanket used in offset lithographic printing. According to the Official Action, it would have been obvious to one of ordinary skill in the art to modify the fabric of LESCA et al. to include printed patterns on the polyolefin EPDM-type coating. However, applicant believes that one skilled in the art would lack the motivation to combine and modify LESCA et al. and PINKSTON et al. in a manner so as to obtain the claimed invention.

PINKSTON et al. use a distinct process from that disclosed in the present application. PINKSTON et al. utilize offset printing. Applicant believes that offset printing cannot be regarded as analogous art to the field of coated textiles. Indeed, the printing blanket disclosed by PINKSTON et al. does not bear any printed patterns or decorations (see PINKSTON et al. examples).

The printed patterns disclosed by PINKSTON et al. are mentioned with regard to the use of a printing blanket offset lithography to transfer ink from the printing plate to paper (see column 1, lines 25-33). This is a transitional process and does not yield a coated textile bearing printed patterns as claimed. Indeed, the process disclosed by PINKSTON et al. would not result

in satisfactory printing patterns or decorations in accordance with the claimed invention.

Thus, the teachings of PINKSTON et al. in combination with LESCA et al. would not lead to a coated textile bearing printed patterns. In fact, upon reviewing the differences between these publications, one of ordinary skill in the art would actually be deterred from producing a coated textile bearing printed patterns in accordance with the claimed invention. This is supported by the fact that PINKSTON et al. disclose a surface layer formed from elastomeric material, such as ethylene propylene diene terpolymer (column 4, lines 46-55). A coating layer based on a polyolefin component and an EPDM-type elastomer is not disclosed nor suggested.

In view of the above, applicant believes that one of ordinary skill in the art would lack the motivation to combine and modify LESCA et al. in view of PINKSTON et al. to obtain the claimed invention. Moreover, even if one of ordinary skill in the art were to combine the two publications, one still would not obtain the claimed invention. Thus, applicant believes that the proposed combination of references fails to render obvious claims 1-4, 9, and 19.

Applicant again traverses the contention that the LESCA et al. publication discloses a composition which would inherently have a Shore hardness value of 30 to 50. An allegation that an article may inherently have the characteristics of the claimed

product is not sufficient. *Ex parte Skinner*, 2 USPQ2d 1788 (BPAI 1986). Indeed, inherency must be a necessary result, and not just a possible result. *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). While the Official Action contends that the properties inherently are present since the same materials are used, applicant notes that the same materials are not taught. LESCA et al. do not teach each and every recitation of the claimed invention. As the Official Action does not show that the proposed combination of references would positively result in a material having a Shore hardness value of 30 to 50, applicant believes that the proposed combination of LESCA et al. in view of PINKSTON et al. fails to render obvious the claimed invention.

Claims 5 and 6 were rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of PINKSTON et al. and further in view of ELLUL et al. This rejection is respectfully traversed.

As noted in the amendment of January 16, 2004, the ELLUL et al. publication teaches the use of EPDM polymers made by metallocene catalysts for use in dynamically vulcanized alloys. However, applicant believes that the ELLUL et al. publication fails to remedy the deficiencies of LESCA et al. and PINKSTON et al. Thus, it is believed that the proposed combination fails to render obvious claims 5 and 6.

Claims 7 and 8 were rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of

PINKSTON et al. and further in view of KANKI et al. This rejection is respectfully traversed.

KANKI et al. teach a decorative material where a primer layer may be provided to improve adhesion between layers. However, KANKI et al. fail to remedy the deficiencies of LESCA et al. and PINKSTON et al. As a result, it is believed that the combination of LESCA et al. in view of PINKSTON et al. and further in view of KANKI et al. fails to render obvious claims 7 and 8.

Claim 10 was rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of PINKSTON et al. and further in view of HOEY. This rejection is respectfully traversed.

The outstanding Official Action states that HOEY discloses a decorative laminate having a foam latex under a textile fabric and a printed film on top (see Official Action, page 5). However, HOEY does not teach a coated textile having printed patterns, characterized in that it comprises a textile underlayer forming a backing combined with a coating layer formed from a film based on a polyolefin component and on an EPDM-type elastomer wherein the coating layer has printed patterns on its surface which is not bonded to the textile underlayer.

As a result, applicant believes that the proposed combination of LESCA et al. in view of PINKSTON et al. and further in view of HOEY fails to render obvious claim 10.

Claim 20 was rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of PINKSTON et al. in view of OSHIMA et al. This rejection is respectfully traversed.

Applicant believes that OSHIMA et al. fail to remedy the deficiencies of LESCA et al. and PINKSTON et al. The OSHIMA et al. publication is limited to a decorative sheet S3 that may be applied to a tablecloth. However, the OSHIMA et al. reference fails to remedy the deficiencies of LESCA et al. and PINKSTON et al. As a result, it is believed that the proposed combination of LESCA et al. in view of PINKSTON et al. and further in view of OSHIMA et al. fails to disclose or suggest claim 20.

In the outstanding Official Action, claim 21 was rejected under 35 USC §103(a) as allegedly being unpatentable over LESCA et al. in view of PINKSTON et al. and further in view of RYGIEL. This rejection is respectfully traversed.

In imposing the rejection, the outstanding Official action concedes that LESCA et al. do not teach the fabric including printed wall textiles. The outstanding Official Action cites to RYGIEL as teaching three-dimensional panels having printed patterns. However, the RYGIEL publication fails to remedy the deficiencies of LESCA et al. in view of PINKSTON et al.

Thus, it is believed that the proposed combination does not render obvious claim 21.

Thus, in view of the present amendment and the foregoing remarks, it is believed that this application is in condition for allowance, with claims 1-10 and 19-26, as presented. Such action is accordingly respectfully requested on that basis.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

Philip Dubois
Philip Dubois, Reg. No. 50,696
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

PD/lk